1952. **File No.** O. foreigners /52

Legal Deptt

A **BRANCH**

Subject:— Opinions under the foreigners Act 1946

P.E.S./E

O. foreigners /52

File No.

Gen. 194 e.

C O N T E N T S.

Legal Department File No. O. Foreigners /52.

Sr. No.	R. I. /S. No.	Subject.	Pages.
	O. Foreigners 1952.	Opinions under the Foreigners Act, 1946.	
1.	O.No.336 15.IV.52.	Sec.3 Mr. Rampheco is an Portuguese national and would nationals coming from Goa do not require any passport or permit to enter India —— Govt. to issue pass fresh order of —— deportation under ——	1-
2.	O.No. 11755 15.9.52.	No time limit for the validity of the deportation order —— postponed from time to time ——	3-
3.	O.No. 2447 X 15.10.52.	The fugitive Nagindas Chandulal Shah have been convicted of the offence charged which discloses a prima facie case to warrant the extradition , whichwould	5-
4.	O.No. 10281/A 22.11.52.	A Goan national can be tried in a Goa Court for any offence committed by him outside Goa.	7-

V.M.B./25.6
Se.

17/6/1956

Office of the R.L.A.

It would always be open to the State Government to pass a fresh order of deportation under section 3 of the Foreigners Act, 1946, in the case of foreigners deported under an order made under the Act of 1864 as presumed by the Political and Services Department. But it also appears that action can be taken under clause (a) of sub-para(4) of para 3 of the Foreigners Order, 1948. That clause empowers a Civil Authority, notwithstanding anything contained in sub-paragraphs (1) to (3) or in the Indian Passport Act, 1920, or in the rules made thereunder, in the interest of public safety, to prohibit the entry of any foreigner into India.

Sd/- P.M.Lad
18.1
Remembrancer of Legal Affairs.

U.R. to P. & S. D., No. 796, dated the 18th January 1952.

V.M.D./14-6
to-

Office of the R.L.A.

The enforcement of the deportation order was postponed from time to time at the request of the deportee. Three is no time limit for the validity of that order. The postponement of enforcement, therefore, does not invalidate the order. The view taken by P. & S. D. is correct.

Sd/- P.M.Lad.
15.7
Remembrancer of Legal Affairs.

U.R. to P.& S.D., No.11755, dated the 16th July 1952.

V.M.D./14-6
4c.

Office of the R.L.A.

The evidence recorded read in the light of the fact that two of the coaccused of the fugitive Nagindas Chandulal Shah have been convicted of the offence charged discloses a prima facie case to warrant the extradition of the said Nagindas Chandulal Shah.

Sd/- P.M.Lad

4.9

Remembrancer of Legal Affairs.

URL PLD No. 1443 dated the 5th Sept. 1952

V.M.D./14-6
4c.

Office of the R.L.A.

Deportation

Foreigners Act, 1946.

It is presumed that under the Portuguese Law prevailing in Goa a Goan National can be tried in a Goa Court for any offence committed by him outside Goa. This presumption may be verified. Even so the proposal of the Commissioner of Police is not feasible; for, it depends on the consent not only of the complainants in the cases here but also of the Goan Authorities. This is entirely within the discretion of the parties concerned; and having regard to the difficulties of a prosecution in a place distant from the place where the offence is committed and where the witnesses come from the course suggested by the Commissioner of Police is not likely to find acceptance.

2. However, it is open to the Government to deport Shri Sirdesai for his undesirable activities in India notwithstanding the pendency of these cases. Therefore, if the Goverment is not interested in getting the deportee convicted by a court of law and if it is satisfied that his continuance in India is not desirabl on account of his activities of cheating, there would b no legal objection to deport him notwithstanding the pendency of these cases. There is no passport system between India and Goa and if Shri Sirdesai returns, action will have to be taken against him as advised by the R.L.A. in his opinion No. 796, dated the 18th January 1952.

Sd/- P.M.Lad
20.11
Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 19503/A, dated the 21st November

V.M.D./14-6
4m.